

FEDERAL ELECTION COMMISSION

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COMMISSION
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In the Matter of)

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MUR 4719

New Jersey Republican State Committee)

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and H. George Buckwald, as treasurer)

)

SENSITIVE

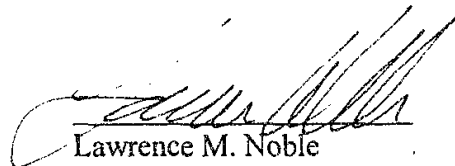
GENERAL COUNSEL'S REPORT

On June 9, 1998, the Commission found reason to believe that the New Jersey Republican State Committee and H. George Buckwald, as treasurer ("the Committee"), violated 2 U.S.C. §§ 441a and 441b and 11 C.F.R. §§ 102.5(a)(1)(i) and 106.5(g)(1)(i) by miscalculating its ballot composition ratios for shared administrative expenses in 1995 and 1996 and for shared generic voter expenses during 1996, thereby overfunding its federal account from its nonfederal account. The Commission also offered the Committee pre-probable cause conciliation.

On June 11, 1998, this Office sent the reason-to-believe notice and the Commission's pre-probable cause conciliation offer to the Committee's counsel. On June 22, 1998, this Office granted a requested extension to July 21, 1998 for the Committee to respond to the Commission's reason-to-believe finding. On July 17, 1998, counsel spoke to this Office by telephone expressing an interest in conciliation, but requesting another extension. That same day, counsel sent a letter by facsimile to this Office formally requesting an extension. In that letter, counsel stated: "There is certainly interest on the part of NJRSC to conciliation; however, as I explained, I need to go through the 'Attachment' [to the Factual and Legal Analysis] denoting the 1995-1996 Nonfederal overpayment with NJRSC's prior accountant before NJRSC can fully analyze the benefits of early conciliation." By letter dated July 21, 1998, this Office granted a second extension until July 31, 1998.

In the Committee's Response dated July 30, 1998, there was no mention of any interest in pre-probable cause conciliation. Instead, the Committee requested that this Office advise the Commission to dismiss the complaint for the identical reasons that it had requested the same action in its November 5, 1997 response to the complaint. Indeed, the July 30, 1998 response contained basically the same information and contentions as that contained in the November 5, 1997 response, despite the fact that the Factual and Legal Analysis showed that the Commission had considered all of the points addressed in that response. By letter dated August 4, 1998, which was sent both by facsimile and mail, this Office advised the Committee's counsel that "[a]s your July 30, 1998 response adds nothing to the record that was previously before the Commission when it made its reason to believe finding, there appears to be insufficient grounds for this Office to advise the Commission, as you requested, that the Commission dismiss the Complaint in this matter." The August 4, 1998 letter also stated that "[i]t appears that your clients are not interested in resolving this matter by conciliation at this time. Unless we receive a response to the conciliation agreement enclosed with the June 11, 1998 correspondence within 5 days of your receipt of this letter, this matter will proceed to the next step of the enforcement process." (Attachment) This Office has received no further communication from the Committee or its counsel. Therefore, this Office is moving on to the next step in of the enforcement process.

8/20/98
Date


Lawrence M. Noble
General Counsel

Attachment
OGC Letter dated August 4, 1998

Staff Assigned: Susan L. Lebeaux